IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE FIFTEENTH DAY OF JULY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE S.ANANDA REDDY

WRIT PETITION NO : 14612 of 2005

Between:

M. Ram Reddy S/o. M. Raghava Reddy
OCP-III, Charge Hand HMS Union Office D-2156,

Tilaknagar Godavari Khanni Karimnagar District.

..... PETITIONER

AND

-

1 General Manager Ramagundam Area-III
Godavari Khanni Karimnagar District.
2 Deputy General Manager (E&M) OCP 3 CHP,

Ramagundam III, Godavari Khanni Karimnagar District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ, order or direction more particularly one in the nature of writ of Certiorari calling for the records pertaining to the notice OCP3CHP/213/900, dt.15-6-2005 issued by the 2nd respondent and quash the same as illegal and arbitrary and direct the Respondents not to retire the petitioner till he attains the age of superannuation on 31-1-2007 on which date the petitioner attains the age of 60 years and pass such other order or orders as this Hon'ble Court may deem fit and proper.

Counsel for the Petitioner: MR.Y.ASHOK RAJ

Counsel for the Respondents: MR.NANDIGAM KRISHANA RAO

The Court made the following :

ORDER:

This writ petition is filed by the petitioner aggrieved by the action of the respondents in issuing proceedings dated 15.6.2005 informing that he will be attaining age of 60 years by 7.7.2005. Therefore, he has to retire by 31.7.2005 and accordingly he was made to retire by issuing one-month notice as per the Standing Orders.

The grievance of the petitioner is that the petitioner's date of birth is 25.1.1947. Therefore, he is entitled to continue up to the year 2007, as he will attain the age of 60 years by that year. Hence the proceedings issued by the respondent are illegal and without jurisdiction and therefore sought for appropriate orders.

This Court while considering the claim of the petitioner directed the respondents to get instructions as well as to produce necessary information with reference to the petitioner's claim. Now the learned Standing Counsel for the respondents submits that the petitioner was recruited on 8.8.1965. As the petitioner did not produce any proof with reference to his age, he was referred to Medical Board and the Medical Board determined the age of the petitioner as 21 years as on the date of his appointment. Therefore, as per the said date, the petitioner has to retire by 2004. However, when a notice was issued, the petitioner raised a dispute. Basing on the said dispute, the issue, as to the determination of age of the petitioner, was referred to the Area Age Determination Committee, which determined the age of the petitioner as per its proceedings dated 7.7.2004. The proceedings also shows that the petitioner had given an undertaking that he would accept the age assessed by the Committee and also specified that he did not have any educational certificates or other documentary evidence about his age. It is stated that on reference, the Area Age Determination Committee determined the age of the petitioner as 59 years as on 7.7.2004. Therefore, the petitioner was made to retire on attaining the age of 60 years by 7.7.2005 and accordingly issued impugned notice.

Though the respondents have produced the above evidence, the learned counsel for the petitioner however, sought to contend that in view of the school certificate available with the petitioner it is not just and proper to accept the claim of the respondents, and to order retirement as per the impugned notice. The learned counsel also sought to contend that since according to the school certificate the date of birth of the petitioner is 25.1.1947 the petitioner should be

allowed to continue till 25.1.2007 and sought for appropriate orders.

In view of the above stated facts and the material placed before this court there is absolutely no merit in the contention of the petitioner that the respondents should be directed to allow the petitioner to continue till 2007 accepting his date of birth as 25.1.1947. The petitioner did not produce such certificate before the respondent authorities at any point of time, except coming with the certificate for the first time before this court. In fact, the proceedings of the Age Determination Committee also shows that the petitioner was not having any evidence of his age by way of educational certificates or any other documentary evidence, and he had even accepted the age assessed by the Age Determination Committee. In that view of the matter, the petitioner is not entitled to any relief.

Accordingly, the Writ Petition is dismissed at the stage of admission.

_____

S. Ananda Reddy, J.

15th July, 2005

js.

To

1 General Manager Ramagundam Area-III
Godavari Khanni Karimnagar District.
2 Deputy General Manager (E&M) OCP 3 CHP,

Ramagundam III, Godavari Khanni Karimnagar District.

3 2 CD copies.